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In re Application of Twardzik et al. :
Application No. 10/050,190 :
Filing Date: January 15, 2002 :
Attorney Docket No. 120158.402C2 :

OFFICE OF PETITIONS
Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed May 4, 2007, to revive the above-identified application.

The petition is **dismissed**.

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed November 4, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 5, 2005. A Notice of Abandonment was mailed on May 18, 2006.

Petitioner has submitted a statement that the delay was unintentional. Normally, a statement is sufficient to satisfy 37 CFR 1.137(b)(3). However, 37 CFR 1.137(b)(3) allows the Office to request further information regarding the "unintentional" delay. In this case, the facts raise a question as to whether the entire delay in filing a petition under 37 CFR 1.137(b) was unintentional. Where there is a question whether the delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b).

Petitioner should file a request for reconsideration accompanied by the following information:

- (1) an explanation for the failure to pay the issue fee and publication on or before February 4, 2005, and
- (2) an explanation for the more than 2 years of delay in filing a petition to revive the application.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
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Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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